

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RAFAL LOJEWSKI, SMITH GARCIA,
DANIELLE GARCIA, MANUEL
ACEVEDO, AND ISAMAR DELACRUZ,
*on behalf of themselves and all others
similarly situated,*

Plaintiffs,

v.

GROUP SOLAR USA, LLC, SOLAR
MOSAIC, INC., SALAL CREDIT UNION
AND DANIEL YOMTOBIAN CORP d/b/a
SOLAR PROGRAM

Defendants.

Civil Action No: 1:22-cv-10816

**DEFENDANT SALAL CREDIT UNION'S
ANSWER AND AFFIRMATIVE DEFENSES
TO PLAINTIFFS' CLASS ACTION
COMPLAINT**

Defendant SALAL CREDIT UNION (“Salal” or “Defendant”) makes this special appearance only for the purposes of preserving its defenses, including the right to compel arbitration, and expects to join in co-defendant Solar Mosaic LLC’s motion to arbitrate filed as ECF No. 16. Salal, by and through its undersigned attorneys, Gordon Rees Scully Mansukhani, LLP, as and for its Answer to the Class Action Complaint (the “Complaint”) of Plaintiffs RAFAL LOJEWSKI, SMITH GARCIA, DANIELLE GARCIA, MANUEL ACEVEDO AND ISAMAR DELACRUZ (“Plaintiffs”), responds as follows:

NATURE OF ACTION

1. Salal denies the allegations of Paragraph 1 of the Complaint.
2. Salal admits that Plaintiff seeks to represent a class of consumers, however Salal denies any implication of liability on the part of Salal in Paragraph 2 of the Complaint or that the Complaint properly states facts and claims suitable for class treatment under Fed.R.Civ.P. 23.

3. Salal admits the allegation in Paragraph 3 of the Complaint that Plaintiffs bring individual claims pursuant to the Complaint, but denies that any relief is warranted upon the facts alleged therein.

4. Salal admits the allegation in Paragraph 4 of the Complaint that Plaintiffs bring individual and class claims pursuant to the Complaint, but denies that any relief is warranted upon the facts alleged therein.

5. Salal admits the allegation in Paragraph 5 of the Complaint that certain Plaintiffs bring individual claims pursuant to the Complaint, but denies that any relief is warranted upon the facts alleged therein.

JURISDICTION AND VENUE

6. The allegations contained in Paragraph 6 of the Complaint state conclusions of law to which no responsive pleading is required. To the extent a further response is required, Salal denies these allegations, except that Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 6 of the Complaint relating to the citizenship of the members of the class (the “Putative Class”).

7. The allegations contained in Paragraph 7 of the Complaint state conclusions of law to which no responsive pleading is required. To the extent a further response is required, Salal denies these allegations.

8. The allegations contained in Paragraph 8 of the Complaint state conclusions of law to which no responsive pleading is required. To the extent a further response is required, Salal denies these allegations.

9. The allegations contained in Paragraph 9 of the Complaint state conclusions of law to which no responsive pleading is required. To the extent a further response is required, Salal

denies these allegations.

PARTIES

10. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 10 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 10 of the Complaint.

11. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 11 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 11 of the Complaint.

12. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 12 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 12 of the Complaint.

13. The allegations contained in Paragraph 13 of the Complaint state conclusions of law to which no responsive pleading is required. To the extent a further response is required, Salal denies these allegations.

14. Salal admits the allegations contained in Paragraph 14 of the Complaint.

15. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 15 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 15 of the Complaint.

16. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 16 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 16 of the Complaint.

17. Salal is without sufficient knowledge to admit or deny the allegation in Paragraph 17 of the Complaint, and, therefore, denies the same.

FACTS

As to Plaintiff Rafal Lojewski

18. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 18 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 18 of the Complaint.

19. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 19 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 19 of the Complaint.

20. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 20 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 20 of the Complaint.

21. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 21 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 21 of the Complaint.

22. Salal neither admits nor denies the allegations of Paragraph 22 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 22 of the Complaint, and, therefore, denies the same.

23. Salal neither admits nor denies the allegations of Paragraph 23 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 23 of the Complaint,

and, therefore, denies the same.

24. Salal neither admits nor denies the allegations of Paragraph 24 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 24 of the Complaint, and, therefore, denies the same.

25. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 25 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 25 of the Complaint.

26. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 26 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 26 of the Complaint.

27. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 27 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 27 of the Complaint.

28. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 28 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 28 of the Complaint.

29. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 29 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 29 of the Complaint.

30. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 30 of the Complaint as they are not directed at Salal. As such, Salal denies the

allegations contained in Paragraph 30 of the Complaint.

31. Salal neither admits nor denies the allegations of Paragraph 31 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 31 of the Complaint, and, therefore, denies the same.

32. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 32 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 32 of the Complaint.

33. Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 33 of the Complaint, and, therefore, denies the same.

34. Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 34 of the Complaint, and, therefore, denies the same.

35. Certain of the allegations contained in Paragraph 35 of the Complaint state conclusions of law to which no responsive pleading is required. With respect to the remainder of the allegations contained in Paragraph 35 of the Complaint, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 35 of the Complaint, and, therefore, denies the same.

36. Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 36 of the Complaint, and, therefore, denies the same.

37. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 37 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 37 of the Complaint.

38. Salal is without sufficient knowledge to admit or deny the allegations contained in

Paragraph 38 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 38 of the Complaint.

As to Plaintiffs Smith and Danielle Garcia

39. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 39 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 39 of the Complaint.

40. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 40 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 40 of the Complaint.

41. Salal neither admits nor denies the allegations of Paragraph 41 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 41 of the Complaint, and, therefore, denies the same.

42. Salal neither admits nor denies the allegations of Paragraph 42 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 42 of the Complaint, and, therefore, denies the same.

43. Salal neither admits nor denies the allegations of Paragraph 43 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 43 of the Complaint,

and, therefore, denies the same.

44. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 44 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 44 of the Complaint.

45. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 45 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 45 of the Complaint.

46. Salal neither admits nor denies the allegations of Paragraph 46 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 46 of the Complaint, and, therefore, denies the same.

47. The allegations contained in Paragraph 47 of the Complaint state conclusions of law to which no responsive pleading is required. To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 47 of the Complaint, and, therefore, denies the same.

48. Salal neither admits nor denies the allegations of Paragraph 48 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 48 of the Complaint, and, therefore, denies the same.

49. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 49 of the Complaint as they are not directed at Salal. As such, Salal denies the

allegations contained in Paragraph 49 of the Complaint.

50. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 50 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 50 of the Complaint.

51. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 51 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 51 of the Complaint.

52. Salal neither admits nor denies the allegations of Paragraph 52 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 52 of the Complaint, and, therefore, denies the same.

53. Salal neither admits nor denies the allegations of Paragraph 53 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 53 of the Complaint, and, therefore, denies the same.

54. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 54 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 54 of the Complaint.

55. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 55 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 55 of the Complaint.

56. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 56 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 56 of the Complaint.

57. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 57 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 57 of the Complaint.

58. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 58 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 58 of the Complaint.

59. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 59 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 59 of the Complaint.

60. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 60 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 60 of the Complaint.

61. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 61 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 61 of the Complaint.

62. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 62 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 62 of the Complaint.

63. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 63 of the Complaint as they are not directed at Salal. As such, Salal denies the

allegations contained in Paragraph 63 of the Complaint.

64. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 64 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 64 of the Complaint.

65. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 65 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 65 of the Complaint.

66. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 66 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 66 of the Complaint.

67. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 67 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 67 of the Complaint.

68. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 68 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 68 of the Complaint.

69. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 69 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 69 of the Complaint.

70. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 70 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 70 of the Complaint.

71. Salal is without sufficient knowledge to admit or deny the allegations contained in

Paragraph 71 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 71 of the Complaint.

72. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 72 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 72 of the Complaint.

73. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 73 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 73 of the Complaint.

74. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 74 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 74 of the Complaint.

75. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 75 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 75 of the Complaint.

76. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 76 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 76 of the Complaint.

77. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 77 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 77 of the Complaint.

As to Plaintiffs Manuel Acevedo and Isamar Delacruz

78. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 78 of the Complaint as they are not directed at Salal. As such, Salal denies the

allegations contained in Paragraph 78 of the Complaint.

79. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 79 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 79 of the Complaint.

80. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 80 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 80 of the Complaint.

81. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 81 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 81 of the Complaint.

82. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 82 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 82 of the Complaint.

83. Salal neither admits nor denies the allegations of Paragraph 83 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 83 of the Complaint, and, therefore, denies the same.

84. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 84 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 84 of the Complaint.

85. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 85 of the Complaint as they are not directed at Salal. As such, Salal denies the

allegations contained in Paragraph 85 of the Complaint.

86. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 86 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 86 of the Complaint.

87. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 87 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 87 of the Complaint.

88. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 88 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 88 of the Complaint.

89. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 89 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 89 of the Complaint.

90. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 90 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 90 of the Complaint.

91. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 91 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 91 of the Complaint.

92. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 92 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 92 of the Complaint.

93. Salal is without sufficient knowledge to admit or deny the allegations contained in

Paragraph 93 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 93 of the Complaint.

94. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 94 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 94 of the Complaint.

95. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 95 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 95 of the Complaint.

96. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 96 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 96 of the Complaint.

97. Salal neither admits nor denies the allegations of Paragraph 97 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 97 of the Complaint, and, therefore, denies the same.

98. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 98 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 98 of the Complaint.

99. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 99 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 99 of the Complaint.

100. Salal is without sufficient knowledge to admit or deny the allegations contained in

Paragraph 100 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 100 of the Complaint.

101. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 101 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 101 of the Complaint.

102. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 102 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 102 of the Complaint.

103. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 103 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 103 of the Complaint.

104. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 104 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 104 of the Complaint.

105. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 105 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 105 of the Complaint.

106. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 106 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 106 of the Complaint.

107. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 107 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 107 of the Complaint.

108. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 108 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 108 of the Complaint.

109. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 109 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 109 of the Complaint.

110. Except to admit that Salal received a call from Plaintiff Acevedo at some time in the past, Salal denies the allegations contained in Paragraph 110 of the Complaint.

111. To the extent that the allegations in Paragraph 111 of the Complaint mischaracterize the contents of an alleged conversation between Plaintiff Acevedo and Salal, Salal denies the allegations contained in Paragraph 111 of the Complaint.

112. To the extent that the allegations in Paragraph 112 of the Complaint mischaracterize the contents of an alleged conversation between Plaintiff Acevedo and Salal, Salal denies the allegations contained in Paragraph 112 of the Complaint.

113. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 113 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 113 of the Complaint.

114. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 114 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 114 of the Complaint.

115. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 115 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 115 of the Complaint.

116. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 116 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 116 of the Complaint.

CLASS ALLEGATIONS

117. Paragraph 117 of the Complaint is not directed at Salal, and therefore Salal neither admits nor denies the allegations contained in such Paragraph. If a further response is required, and to the extent directed at Salal, denied.

118. Paragraph 118 of the Complaint is not directed at Salal, and therefore Salal neither admits nor denies the allegations contained in such Paragraph. If a further response is required, and to the extent directed at Salal, denied.

119. Paragraph 119 of the Complaint is not directed at Salal, and therefore Salal neither admits nor denies the allegations contained in such Paragraph. If a further response is required, and to the extent directed at Salal, denied.

Numerosity

120. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 120 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 120 of the Complaint.

121. Salal neither admits nor denies the allegations of Paragraph 121 of the Complaint, but rather respectfully refers the Court to the referenced Paragraph(s) of the Complaint for the language and legal importance, if any, of such language. To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 121 of the Complaint, and, therefore, denies the same.

122. Salal neither admits nor denies the allegations of Paragraph 122 of the Complaint,

but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 122 of the Complaint, and, therefore, denies the same.

123. Salal denies the allegations set forth in Paragraph 123 of the Complaint.

124. Salal denies the allegations set forth in Paragraph 124 of the Complaint.

125. To the extent the allegations in Paragraph 125 of the Complaint are directed at Salal, denied.

Existence and Predominance of Common Questions

126. Salal denies the allegations set forth in Paragraph 126 of the Complaint.

127. Salal denies the allegations set forth in Paragraph 127 of the Complaint.

Typicality

128. Salal denies the allegations set forth in Paragraph 128 of the Complaint.

129. Salal denies the allegations set forth in Paragraph 129 of the Complaint.

Adequacy

130. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 130 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 130 of the Complaint.

131. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 131 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 131 of the Complaint.

Superiority

132. Salal denies the allegations set forth in Paragraph 132 of the Complaint.

133. Salal denies the allegations set forth in Paragraph 133 of the Complaint.

134. Salal denies the allegations set forth in Paragraph 134 of the Complaint that it would be “virtually impossible for each individual member of the Classes to redress the wrongs done to them.” To the extent of the remaining allegations in Paragraph 134 of the Complaint, Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 134 of the Complaint as they are not directed at Salal. As such, Salal denies such remaining allegations contained in Paragraph 134 of the Complaint.

135. Salal denies the allegations set forth in Paragraph 135 of the Complaint.

136. Salal denies the allegations set forth in Paragraph 136 of the Complaint.

137. Salal denies the allegations set forth in Paragraph 137 of the Complaint.

FIRST CLASS CLAIM FOR RELIEF
(Deceptive Acts and Practices Unlawful, NYGBL § 349 *et seq.*)

138. Paragraph 138 does not contain a factual allegation.

139. The allegations contained in Paragraph 139 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 139 of the Complaint are directed at Salal, denied.

140. To the extent the allegations contained in Paragraph 140 of the Complaint are directed at Salal, denied.

141. The allegations contained in Paragraph 141 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 141 of the Complaint are directed at Salal, denied.

142. To the extent the allegations contained in Paragraph 142 of the Complaint are directed at Salal, denied.

143. To the extent the allegations contained in Paragraph 143 of the Complaint are

directed at Salal, denied.

144. To the extent the allegations contained in Paragraph 144 of the Complaint are directed at Salal, denied.

145. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 145 of the Complaint that are not directed at Salal. To the extent of any allegations contained in Paragraph 145 of the Complaint directed at Salal, denied.

146. To the extent the allegations contained in Paragraph 146 of the Complaint are directed at Salal, denied.

147. Salal denies the allegations set forth in Paragraph 147 of the Complaint.

SECOND CLASS CLAIM FOR RELIEF
(False Advertisement, NYGBL § 350)

148. Paragraph 148 does not contain a factual allegation.

149. The allegations contained in Paragraph 149 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 149 of the Complaint are directed at Salal, denied.

150. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 150 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 150 of the Complaint.

151. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 151 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 151 of the Complaint.

152. The allegations contained in Paragraph 152 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 152 of the Complaint are directed at Salal, denied.

153. Salal denies the allegations set forth in Paragraph 153 of the Complaint.

154. Salal denies the allegations set forth in Paragraph 154 of the Complaint.

THIRD CLASS CLAIM FOR RELIEF
(Breach of Contract)

155. Paragraph 155 does not contain a factual allegation.

156. Salal neither admits nor denies the allegations of Paragraph 156 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 156 of the Complaint, and, therefore, denies the same.

157. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 157 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 157 of the Complaint.

158. To the extent the allegations contained in Paragraph 158 are directed at Salal, denied. To the extent same allegations are not directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 158 of the Complaint. As such, Salal denies such allegations contained in Paragraph 158 of the Complaint.

159. Salal denies the allegations set forth in Paragraph 159 of the Complaint.

FOURTH CLASS CLAIM FOR RELIEF
(New York Personal Property Law § 401 *et seq.* – Retail Instalment Sales Act)

160. Paragraph 160 does not contain a factual allegation.

161. The allegations contained in Paragraph 161 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 161 of the Complaint are directed at Salal, denied.

162. The allegations contained in Paragraph 162 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 162 of the Complaint are directed at Salal, denied.

163. The allegations contained in Paragraph 163 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 163 of the Complaint are directed at Salal, denied.

164. The allegations contained in Paragraph 164 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 164 of the Complaint are directed at Salal, denied.

165. The allegations contained in Paragraph 165 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 165 of the Complaint are directed at Salal, denied.

166. The allegations contained in Paragraph 166 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 166 of the Complaint are directed at Salal, denied.

167. The allegations contained in Paragraph 167 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 167 of the Complaint are directed at Salal, denied.

168. Salal neither admits nor denies the allegations of Paragraph 168 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, and to the extent the allegations contained in Paragraph 168 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 168 of the Complaint,

and, therefore, denies the same.

169. Salal neither admits nor denies the allegations of Paragraph 169 of the Complaint, but rather respectfully refers the Court to the referenced statute(s) and/or case law for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal denies these allegations.

170. Salal neither admits nor denies the allegations of Paragraph 170 of the Complaint, but rather respectfully refers the Court to the referenced statute(s) and/or case law for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal denies these allegations.

171. The allegations contained in Paragraph 171 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 171 of the Complaint are directed at Salal, denied.

172. Salal denies the allegations set forth in Paragraph 172 of the Complaint.

FIFTH CLASS CLAIM FOR RELIEF
(Unjust Enrichment)

173. Paragraph 173 does not contain a factual allegation.

174. The allegations contained in Paragraph 174 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 174 of the Complaint are directed at Salal, denied.

175. Salal denies the allegations set forth in Paragraph 175 of the Complaint.

INDIVIDUAL CLAIMS

FIRST INDIVIDUAL CLAIM FOR RELIEF
(Moss Warranty Act (“MMWA”), 15 U.S.C. § 2301 *et seq.*)
Breach of Implied Warranty of Merchantability
As for Plaintiffs Mr. Garcia and Mr. Acevedo

176. Paragraph 176 does not contain a factual allegation.

177. The allegations contained in Paragraph 177 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 177 of the Complaint are directed at Salal, denied.

178. The allegations contained in Paragraph 178 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 178 of the Complaint are directed at Salal, denied.

179. The allegations contained in Paragraph 179 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 179 of the Complaint are directed at Salal, denied.

180. The allegations contained in Paragraph 180 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 180 of the Complaint are directed at Salal, denied.

181. The allegations contained in Paragraph 181 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 181 of the Complaint are directed at Salal, denied.

182. Salal neither admits nor denies the allegations of Paragraph 182 of the Complaint, but rather respectfully refers the Court to the referenced statute(s) and/or case law for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal denies these allegations.

183. The allegations contained in Paragraph 183 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 183 of the Complaint are directed at Salal, Salal

is without sufficient knowledge to admit or deny the allegations of Paragraph 183 of the Complaint, and, therefore, denies the same.

184. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 184 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 184 of the Complaint.

185. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 185 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 185 of the Complaint.

186. The allegations contained in Paragraph 186 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 186 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 186 of the Complaint, and, therefore, denies the same.

187. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 187 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 187 of the Complaint.

188. The allegations contained in Paragraph 188 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 188 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 188 of the Complaint, and, therefore, denies the same.

189. Salal denies the allegations set forth in Paragraph 189 of the Complaint.

190. The allegations contained in Paragraph 190 of the Complaint contain legal

conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 190 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 190 of the Complaint, and, therefore, denies the same.

191. Salal denies the allegations set forth in Paragraph 191 of the Complaint.

192. Salal denies the allegations set forth in Paragraph 192 of the Complaint.

SECOND INDIVIDUAL CLAIM FOR RELIEF
(Moss Warranty Act (“MMWA”), 15 U.S.C. § 2301 *et seq.*)
Breach of Express Written Warranty
As for Plaintiffs Mr. Garcia and Mr. Acevedo

193. Paragraph 193 does not contain a factual allegation.

194. The allegations contained in Paragraph 194 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 194 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 194 of the Complaint, and, therefore, denies the same.

195. The allegations contained in Paragraph 195 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 195 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 195 of the Complaint, and, therefore, denies the same.

196. Salal denies the allegations set forth in Paragraph 196 of the Complaint.

197. The allegations contained in Paragraph 197 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 197 of the Complaint are directed at Salal, Salal

is without sufficient knowledge to admit or deny the allegations of Paragraph 197 of the Complaint, and, therefore, denies the same.

198. Salal denies the allegations set forth in Paragraph 199 of the Complaint.

199. Salal denies the allegations set forth in Paragraph 199 of the Complaint.

THIRD INDIVIDUAL CLAIM FOR RELIEF

(NYGBL § 350)

Unlawful False Advertising

As for Plaintiffs Mr. Garcia and Mr. Acevedo

200. Paragraph 200 does not contain a factual allegation.

201. The allegations contained in Paragraph 201 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 201 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 201 of the Complaint, and, therefore, denies the same.

202. Paragraph 202 does not contain a factual allegation.

203. The allegations contained in Paragraph 203 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 203 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 203 of the Complaint, and, therefore, denies the same.

204. The allegations contained in Paragraph 204 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 204 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 204 of the Complaint, and, therefore, denies the same.

205. The allegations contained in Paragraph 205 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 205 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 205 of the Complaint, and, therefore, denies the same.

206. Salal denies the allegations set forth in Paragraph 206 of the Complaint.

207. Salal denies the allegations set forth in Paragraph 207 of the Complaint.

FOURTH INDIVIDUAL CLAIM FOR RELIEF

Breach of Contract

As for Plaintiffs Mr. Garcia and Mr. Acevedo

208. Paragraph 208 does not contain a factual allegation.

209. The allegations contained in Paragraph 209 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 209 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 209 of the Complaint, and, therefore, denies the same.

210. The allegations contained in Paragraph 210 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 210 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 210 of the Complaint, and, therefore, denies the same.

211. Salal neither admits nor denies the allegations of Paragraph 211 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is

without sufficient knowledge to admit or deny the allegations of Paragraph 211 of the Complaint, and, therefore, denies the same.

212. Salal neither admits nor denies the allegations of Paragraph 212 of the Complaint, but rather respectfully refers the Court to the referenced document(s) for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 212 of the Complaint, and, therefore, denies the same.

213. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 213 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 213 of the Complaint.

214. Salal denies the allegations set forth in Paragraph 214 of the Complaint.

FIFTH INDIVIDUAL CLAIM FOR RELIEF
Negligent Hiring, Retention, Training and Supervision
As for Plaintiffs Mr. Garcia and Mr. Acevedo

215. Paragraph 215 does not contain a factual allegation.

216. The allegations contained in Paragraph 216 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 216 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 216 of the Complaint, and, therefore, denies the same.

217. The allegations contained in Paragraph 217 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 217 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 217 of the Complaint,

and, therefore, denies the same.

218. The allegations contained in Paragraph 218 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 218 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 218 of the Complaint, and, therefore, denies the same.

219. The allegations contained in Paragraph 219 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 219 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 219 of the Complaint, and, therefore, denies the same.

220. The allegations contained in Paragraph 220 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 220 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 220 of the Complaint, and, therefore, denies the same.

221. Salal denies the allegations set forth in Paragraph 221 of the Complaint.

SIXTH INDIVIDUAL CLAIM FOR RELIEF
Unjust Enrichment
As for Plaintiffs Mr. Garcia and Mr. Acevedo

222. Paragraph 222 does not contain a factual allegation.

223. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 223 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 223 of the Complaint.

224. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 224 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 224 of the Complaint.

225. The allegations contained in Paragraph 225 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, and to the extent the allegations contained in Paragraph 225 of the Complaint are directed at Salal, Salal is without sufficient knowledge to admit or deny the allegations of Paragraph 225 of the Complaint, and, therefore, denies the same.

226. Salal denies the allegations set forth in Paragraph 226 of the Complaint.

SEVENTH INDIVIDUAL CLAIM FOR RELIEF
Rescission / Declaration of No Liability
As for Plaintiff Ms. Delacruz

227. Paragraph 227 does not contain a factual allegation.

228. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 228 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 228 of the Complaint.

229. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 229 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 229 of the Complaint.

230. The allegations contained in Paragraph 230 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 230 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 230 of the Complaint.

231. Salal denies the allegations set forth in Paragraph 231 of the Complaint.

232. Salal denies the allegations set forth in Paragraph 232 of the Complaint.

233. Salal denies the allegations set forth in Paragraph 233 of the Complaint.

TWLEFTH INDIVIDUAL CLAIM FOR RELIEF

New York GBL 380-S Theft of Identity

As for Plaintiff Ms. Delacruz

234. Paragraph 234 does not contain a factual allegation.

235. Salal neither admits nor denies the allegations of Paragraph 235 of the Complaint, but rather respectfully refers the Court to the referenced statute(s) and/or case law for the language and legal importance, if any, of such document(s). To the extent a further response is required, Salal denies these allegations.

236. The allegations contained in Paragraph 236 of the Complaint contain legal conclusions to which no response is required. To the extent a further response is required, Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 236 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 236 of the Complaint.

237. Salal is without sufficient knowledge to admit or deny the allegations contained in Paragraph 237 of the Complaint as they are not directed at Salal. As such, Salal denies the allegations contained in Paragraph 237 of the Complaint.

238. Salal denies the allegations set forth in Paragraph 238 of the Complaint.

WHEREFORE, Salal denies that Plaintiffs are entitled to the relief sought, and respectfully requests judgment in its favor dismissing the Complaint, awarding Salal attorneys' fees and court costs, and any other remedy the Court sees fit to impose.

AFFIRMATIVE DEFENSES

Without assuming the burden of proof where it otherwise lies, Salal asserts the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs lack standing to bring the claims set forth in the Complaint.

THIRD AFFIRMATIVE DEFENSE

Salal is not in contractual privity with Plaintiffs or the Putative Class, and therefore the purported claims for breach of warranty are barred.

FOURTH AFFIRMATIVE DEFENSE

The claims of Plaintiffs and the Putative Class are barred, in whole or in part, because those claims are subject to set-off for the value of the benefits they received.

FIFTH AFFIRMATIVE DEFENSE

The claims of Plaintiffs and the Putative Class are barred by their failure to provide adequate notice.

SIXTH AFFIRMATIVE DEFENSE

The claims of Plaintiff and the Putative Class, in whole or in part, are preempted by applicable federal law and/or federal regulations.

SEVENTH AFFIRMATIVE DEFENSE

The Putative Class cannot be certified because Plaintiff has failed to, and cannot, establish that the requirements for class certification under Fed. R. Civ. P. Rule 23 have been or can be met.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs have not shown that Salal has breached any duty owed to Plaintiffs or the Putative

Class.

NINTH AFFIRMATIVE DEFENSE

At all times relevant hereto, Salal acted in good faith and/or with good cause and has not violated any rights which may be secured to Plaintiffs under any federal, state, city, or local laws, rules, regulations, codes, or guidelines.

TENTH AFFIRMATIVE DEFENSE

To the extent Plaintiffs and the Putative Class Members failed to timely assert the claims set forth in the Complaint, such claims are barred, in whole or in part, by the applicable statute of limitations, statute of repose and/or doctrine of laches.

ELEVENTH AFFIRMATIVE DEFENSE

Any purported damages allegedly suffered by Plaintiffs are the result of the acts or omissions of third persons over whom Salal had neither control nor responsibility, and whom Plaintiffs have failed to name in this action.

TWELFTH AFFIRMATIVE DEFENSE

Any alleged damages sustained by Plaintiffs were, at least in part, caused by the actions of Plaintiffs and resulted from Plaintiffs' own actions.

THIRTEENTH AFFIRMATIVE DEFENSE

The damages claimed by Plaintiffs could have been mitigated with due diligence or by one acting under similar circumstances. Plaintiffs' failure to mitigate is a bar to recovery.

FOURTEENTH AFFIRMATIVE DEFENSE

To the extent Plaintiffs' contract(s) contains an arbitration provision, Salal demands that this matter be stayed, and that Plaintiffs pursue their individual claims against Salal in arbitration per the terms of such contract(s). Therefore, Plaintiffs lack standing to bring this action in this

forum. Salal affirmatively asserts its right to compel individual arbitration of Plaintiffs' claims. Plaintiffs should dismiss this action and proceed in arbitration against Salal.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' Complaint is set forth in broad and conclusory terms, and Plaintiffs have failed to append the contract(s) and proposal(s) that constitute the basis for their substantive allegations, such that Salal cannot fully anticipate all affirmative defenses and counterclaims that may be applicable. Accordingly, Salal reserves the right to amend its Answer to add such other further defenses and/or counterclaims as become available and apparent during the course of discovery in this action.

PRAYER FOR RELIEF

WHEREFORE, Salal respectfully requests that this Court:

1. Enter judgment in favor of Salal on all counts of the Complaint and dismiss this action as against Salal;
2. Award Salal its attorneys' fees and costs of defending this action; and
3. Award Salal such other and further relief as the Court deems just and proper.

Dated: March 13, 2023

GORDON REES SCULLY MANSUKHANI, LLP
Attorneys for Defendant Salal Credit Union

By: s/ Peter G. Siachos
Peter G. Siachos, Esq.
1 Battery Park Plaza, 28th Floor
New York, NY 10004
Telephone: (212) 453-0740
Email: psiachos@grsm.com